

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

IN RE:

KEVIN ALAN CLARK  
WENDY ANNE CLARK

Debtors

Case No. 13-74484-SCS  
(Chapter 13)

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE, FOR RESIDENTIAL ASSET  
SECURITIES CORPORATION, HOME  
EQUITY MORTGAGE ASSET-BACKED  
PASS-THROUGH CERTIFICATES, SERIES  
2006-EMX8

Movant

v.

KEVIN ALAN CLARK  
WENDY ANNE CLARK, and  
R. CLINTON STACKHOUSE, JR., Trustee

Defendants

Ref. Dkt. #52

**CONSENT ORDER MODIFYING AUTOMATIC STAY**

UPON CONSIDERATION of the Amended Motion for Relief from Automatic Stay (“Motion”) filed by U.S. Bank National Association, as Trustee, for Residential Asset Securities Corporation, Home Equity Mortgage Asset-Backed Pass-Through Certificates, Series 2006-EMX8, (“U.S. Bank”), any response thereto, the consent of the Debtors having been given, and good cause having been shown; and

**WHEREAS**, on or about July 26, 2006, the Debtors executed and delivered to Mortgage Lenders Networks USA, Inc. a Note in the amount of TWO HUNDRED FOUR

Kathryn Smits, Bar #77337  
ksmits@orlans.com  
Sameera Navidi, Bar #89441  
snavidi@orlans.com  
Orlans PC  
PO Box 2548  
Leesburg, Virginia 20177  
(703) 777-7101

THOUSAND and 00/100 dollars (\$204,000.00), plus interest at the adjustable rate of 6.9625% per annum to be paid over thirty (30) years; and

**WHEREAS**, to secure the repayment of the sums due under the Note, the Debtors executed and delivered to Mortgage Lenders Networks USA, Inc. a Deed of Trust dated July 26, 2006 encumbering the real property ("Property") described as:

All that certain lot, piece or parcel of land, with the buildings and improvements thereon, lying, being and situate in the City of Portsmouth, Virginia, and being known, numbered and designated as Lot 1, as shown on that certain plat entitled, "Subdivision Plat of Merrifields, Section 9, Portsmouth, Virginia", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Portsmouth, Virginia in Map Book 15, at pages 59 and 60.

which has the address of 2 Hardwood Court, Portsmouth, VA 23703-1944 ("Property");  
and

**WHEREAS**, the Note was later transferred to U.S. Bank and U.S. Bank is the holder of the Note; and

**WHEREAS**, the Debtors and U.S. Bank desire to resolve this matter without the risks and costs of litigation,

It is by the United States Bankruptcy Court for the Eastern District of Virginia,  
Norfolk Division,

**ORDERED** that the Automatic Stay will remain in effect ninety (90) days from date of Order entry to allow the Debtors time to complete a loan modification agreement with U.S. Bank and should such an agreement be obtained and the fully executed loan modification agreement provided to the Debtors, the Debtors will have thirty (30) days from the date of receipt of the loan modification agreement to file a motion to allow a loan modification with the Court; and it is further

**ORDERED** that if a loan modification is either not approved by U.S. Bank or not approved by the Court within one hundred twenty (120) days from date of Order entry or if the Debtors have otherwise failed to cure or address the post-petition arrears due at that time, U.S. Bank shall file and serve a Notice of Non-Compliance to Debtor's last known address, to her counsel and to the Trustee at the addresses shown hereunder and submit to Court an Order Terminating Automatic Stay allowing U.S. Bank to exercise its rights under applicable law against the Property, which relief shall extend to the purchaser at the foreclosure sale to allow the purchaser to take such action under state law, as may be necessary, to obtain possession of the property; and it is further

**ORDERED**, that in the event that the automatic stay is terminated, the Chapter 13 Trustee shall be relieved of any and all obligation to cure the Proof of Claim arrearage due to Plaintiff; and it is further

**ORDERED**, that U.S. Bank shall promptly notify the Chapter 13 Trustee in writing of the results of any foreclosure of the subject deed and pay to the Chapter 13 Trustee any excess funds received from such foreclosure sale, to be disbursed upon further order of the Court; and it is further

**ORDERED**, that to the extent this case is dismissed, discharged or closed and payments on the Note are not contractually current, U.S. Bank may exercise its legal rights under applicable law with respect to the Property.

Oct 12 2017  
Date: \_\_\_\_\_

BY THE COURT:

/s/ Stephen C. St.John

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Stephen C. St. John  
Chief Judge

Entered on Docket: Oct 12, 2017

WE ASK FOR THIS:

/s/ Sameera Navidi  
Kathryn Smits, Bar #77337  
ksmits@orlans.com  
Sameera Navidi, Bar #89441  
snavidi@orlans.com  
Orlans PC  
P.O. Box 2548  
Leesburg, Virginia 20177  
(703) 777-7101

I hereby certify that my clients, Kevin Alan Clark and Wendy Anne Clark, have been advised of the settlement of the Motion for Relief hearing and agrees to the terms of this Consent Order:

/s/ Steve C. Taylor  
Steve C. Taylor, Esquire  
133 Mt. Pleasant Road  
Chesapeake, VA 23322  
Attorney for the Debtors  
Re: Case No. 13-74484-SCS

SEEN:

/s/ R. Clinton Stackhouse, Jr.  
R. Clinton Stackhouse, Jr., Trustee  
Chapter 13 Trustee  
7021 Harbour View Boulevard  
Suite 101  
Suffolk, VA 23435  
Re: Case No. 13-74484-SCS

**CERTIFICATE OF NECESSARY PARTIES**

I hereby certify pursuant to local rule 9022-1 (c) (1) that all necessary parties have endorsed the foregoing proposed order.

/s/ Sameera Navidi  
Kathryn Smits, Esquire  
Sameera Navidi, Esquire

Copies to:

Kathryn Smits, Esquire  
Sameera Navidi, Esquire  
Attorneys for Plaintiff  
Orlans PC  
PO Box 2548  
Leesburg, Virginia 20177

Kevin Alan Clark  
Wendy Anne Clark  
2 Hardwood Court  
Portsmouth, VA 23703  
Debtors

Steve C. Taylor, Esquire  
133 Mt. Pleasant Road  
Chesapeake, VA 23322  
Attorney for the Debtors

R. Clinton Stackhouse, Jr., Trustee  
7021 Harbour View Boulevard  
Suite 101  
Suffolk, VA 23435